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Chairman: Mr. Maertens (Vice-Chairman) ..... (Belgium)

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In the absence of Mr. Belinga-Eboutou (Cameroon), Mr. Maertens (Belgium), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 117: Human rights questions (*continued*)

(a) Implementation of human rights instruments (A/58/40, 44, 120, 221, 284, 306, 307, 326, 350)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

1. **Mr. Ndaye** (Director, Office of the United Nations High Commissioner for Human Rights) said that the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/58/307) listed the States that had ratified or acceded to those instruments and provided information about the session of the relevant treaty bodies held during the reporting period. Similar information was provided in the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (A/58/326).

2. The annual report of the Human Rights Committee (A/58/40) included the Committee's reports on the three sessions held between August 2002 and July 2003. During that period the Committee had convened its second meeting with States parties to the International Covenant on Civil and Political Rights, which had focused on its revised working methods, some States' reporting difficulties and the Committee's new procedure for the follow-up of concluding observations. The results of that procedure were reflected in a new chapter, Chapter VII, of the annual report. The Committee's additional meetings in August 2002 to examine communications under the Optional Protocol had reduced its backlog by 15 per cent.

3. Two more States had become parties to the International Covenant on Economic, Social and Cultural Rights since the previous session of the General Assembly. The Committee on Economic, Social and Cultural Rights had considered the reports of 10 States parties and had adopted General Comment No. 15 on the right to water. Following up its day of general discussion on the right to education and the adoption of the related general comment, the Committee and the United Nations Educational, Scientific and Cultural Organization (UNESCO) had formed a joint working group on the right to education, which had met in May.

4. The annual report of the Committee against Torture (A/58/44) contained the reports of its two sessions — at which it had considered 12 reports from States parties — and the results of the Committee's inquiry in one State party, in addition to its decisions on 12 individual complaints. Following the General Assembly's adoption of the Optional Protocol to the Convention, the Committee had adopted a statement urging its ratification and encouraging States to designate or create independent national visiting mechanisms for the prevention of torture.

5. The report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/58/284) provided information on the recommendations adopted by the Board of Trustees in May 2003 and data on recent trends, including assistance to victims of torture and their relatives through the Fund and the impact of that assistance on the beneficiaries. It revealed that $7.2 million had been allocated to 186 projects for victims in 68 countries, while requests had amounted to over $13 million. The Fund's projected financing needs for 2002 were also indicated in the report. Under Commission of Human Rights resolution 2003/32, the Office of the High Commissioner had initiated an independent evaluation of the Fund's functioning to improve its effectiveness, and the terms of reference for its implementation, which was scheduled to start by the end of the year, were being established.

6. The report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/58/221) focused on United Nations activities to celebrate the Convention's entry into force and to encourage States to ratify or accede to it. The first meeting of States parties would be held in New York on 11 December 2003 and would elect the members of the pertinent treaty monitoring body.

7. The report of the Chairpersons of human rights treaty bodies on their fifteenth meeting (A/58/350), to which was annexed the report of the second inter-committee meeting of human rights treaty bodies,

provided information on their review of developments; it focused on the Secretary-General's ideas for enhancing the treaty bodies' work, as contained in his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387), reactions to those ideas and recommendations for enhancing coordination among the committees through the streamlining of the reporting and follow-up procedures. In the recommendations, the Office of the High Commissioner was asked to prepare proposals on the form and content of an expanded core document for use by all treaty bodies and harmonized reporting guidelines for consideration by individual treaty bodies and by the third inter-committee meeting in 2004. The chairpersons had met informally for a full day with representatives of States, with participants at the annual meeting of special rapporteurs and representatives, experts and chairpersons of working groups of the special procedures system, and with members of the Expanded Bureau of the fifty-ninth session of the Commission. The report of a brainstorming meeting on reform of the human rights treaty body system (HRI/ICM/2003/4-HRI/MC/2003/4), held in Liechtenstein in May 2003, had been discussed at the second inter-committee meeting and contained a summary by the chairperson of the meeting, which included recommendations for strengthening the human rights treaty body system and the reporting procedure.

8. **Ms. Boniver** (Italy), speaking on behalf of the European Union, the acceding countries of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey, and, in addition, Iceland, said that the promotion and protection of human rights — both nationally and in relations with other countries — were among the European Union's highest priorities. It was therefore concerned about all manifestations of human rights violations worldwide, and was taking systematic action in its relations with third countries on four main issues: democracy and human rights in the context of conflict prevention and the fight against terrorism; the death penalty; eradication of torture; and impunity.

9. The principles of liberty, democracy, the rule of law, good governance and respect for human rights and fundamental freedoms were inseparable. Only when people could meaningfully and equitably participate in governance and decision-making did societies stand a chance of development, non-discrimination and justice. The European Union viewed its activities in the field of democracy and human rights as a pillar of its work towards poverty reduction, sustainable development, peace and security. While there had been considerable progress worldwide in that regard, recent events appeared to drive some countries in the opposite direction. Four million people, the vast majority of them civilians, had died as a result of the mostly internal conflicts that had afflicted every region of the world in the previous decade and 18 million more had been displaced. Bad governance, corruption, weak institutions and lack of accountability, were often at the heart of such conflicts. Most cases involved non-democratic rulers who combined uncontrolled power with a policy of repression. The effects of such repression could have an impact beyond the borders of the State concerned.

10. The European Union rejected any unconstitutional seizure of power; political changes should occur within the rule of law and the democratic process. Countries which, for whatever reason, were faced with breaking up and the inability fully to realize or maintain their democratic system must receive every support from the international community, including help with truth and reconciliation processes in post-conflict societies, which fostered peace, stability and development. Terrorists were less likely to find sanctuary in an atmosphere of respect for human rights; failed rights, and therefore failed States, were a breeding ground for terrorism, which destabilized Governments and undermined civil society. Human rights law established a framework in which terrorism could be countered without infringement of fundamental freedoms, such as the list of human rights not subject to any derogation whatever as contained in article 4, paragraph 2, of the International Covenant on Civil and Political Rights.

11. The international community must review its commitment to human rights as a strategy for preventing conflict and terrorism; even in the presence of those two evils, human rights must be promoted. Respect for democracy and human rights was also a cornerstone in poverty reduction and sustainable development. Noting with satisfaction that 146 States had become parties to the Covenant on Economic, Social and Cultural Rights, the European Union urged all States to do likewise and to fulfil their obligations of immediate effect without delay. The proposal on a

draft optional protocol to the Covenant providing for a mechanism for individual complaints, would benefit from clear legal guidance, to which end the European Union countries would actively participate in the open-ended working group for its elaboration.

12. In its commitment to the universal abolition of the death penalty, the European Union was encouraged by the growing number of abolitionist countries and hoped that others would join them; it also welcomed the many moratoriums on executions and decisions to commute sentences. However, there was still cause for alarm. The European Union appealed to States that retained the death penalty — including for minors, in contravention of the Convention on the Rights of the Child, ratified by virtually all States — to abandon that practice and ensure full respect for the international safeguards on procedural guarantees for a fair trial and the safeguards for protection of the rights of persons facing the death penalty, and to refrain from carrying out any execution until all domestic and international remedies had been exhausted.

13. The European Union again called for the prohibition of forms of execution that not only violated the right to life, but also constituted cruel, inhuman or degrading treatment or punishment. Since the 2002 General Assembly, it had raised the death-penalty issue with 23 countries; it called on States that did not limit the death penalty to the most serious crimes, executed juvenile or mentally retarded offenders, used cruel and degrading means of execution or applied the death penalty to political opponents to cease those practices. The death penalty was not a deterrent to violent crime; in addition, it rendered irreversible the miscarriages of justice from which no legal system was immune. In keeping with a Commission on Human Rights resolution sponsored by 75 countries, the European Union advocated action aimed at abolition of the death penalty in law and in practice, during times of war and times of peace; establishment of a moratorium on executions was a first step in the right direction.

14. The European Union had made the eradication of torture and ill-treatment a priority of its human-rights policy and had adopted guidelines for its policy towards third countries concerning torture and cruelty. It was encouraged that a growing number of States had ratified the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and signed or ratified its Optional Protocol, and urged all States to do likewise. The treaty bodies and the Commission mechanisms also played an important role in the prevention and eradication of torture; all States should comply with their obligations under article 19 of the Convention, and all Governments should allow the Special Rapporteur to visit their countries, should cooperate with him fully during and after his visit and should follow his recommendations. In that connection, the European Union would like the Special Rapporteur to visit China in the near future and invited Uzbekistan to ensure full implementation of the Special Rapporteur's recommendations following his visit.

15. International law unequivocally prohibited torture in all circumstances, even in time of war, and States must adopt a variety of measures to comply fully with its provisions. Torture and other abuses often reflected inefficient law enforcement, hence proper training for such personnel and close scrutiny of detention centres were invaluable. The European Union was prepared to provide technical assistance to interested States with a view to eradicating torture and would continue to support rehabilitation centres for torture victims the world over. It urged States to fulfil their obligations in that regard and to protect human rights defenders, who worked selflessly to bring cases of torture to the international community's attention.

16. Combating impunity was a crucial factor of the success of any measures taken to prevent human-rights violations. Allegations of violations should be promptly and diligently investigated and those responsible brought to justice. The European Union continued to support the work of the International Criminal Court, which it considered of paramount importance for a strengthened international justice system and as a complement to national jurisdictions in the struggle against impunity. It would continue to promote the widest possible participation in the Rome Statute and follow developments regarding effective cooperation with the Court and the Statute.

17. Human rights violations, wherever they occurred, were the legitimate concern of the international community, and the European Union would continue to draw attention to them. At the current session, it intended to submit draft resolutions on Myanmar, the Democratic Republic of the Congo and Turkmenistan. It was also engaged in a structured human rights dialogue with Iran and China, which it hoped would produce concrete results. In particular, the Council of the European Union had recently expressed concern about the violations still occurring in Iran.

18. The world faced new threats as well as new opportunities, and the time had come to renew the commitment to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.

19. **Ms. Tincopa** (Peru) said that the priority placed on human rights had reached unprecedented levels in recent decades. There had been a constructive evolution of principles, norms and instruments both at the national and international level that recognized the human person as the centre and purpose of society and the State. Human rights were seen as universal, interdependent and interrelated. In fulfilling its obligations in the area of human rights, Peru maintained a flexible, ongoing and transparent relationship with the United Nations human rights mechanisms.

20. With regard to human rights, democracy and poverty, it had become increasingly clear that economic, social and cultural rights and civil and political rights were of equal importance. Thus, democracy and the rule of law should create the necessary conditions for the enjoyment of economic and social rights. Her Government had therefore made poverty eradication a priority and had developed new financial mechanisms that would enable it to meet the most pressing needs of society, which would in turn strengthen democracy.

21. Peru had suffered from the effects of terrorism, which had cost over 20,000 lives; the material losses were incalculable. Her Government was committed to the development of a global strategy to combat terrorism in all its forms and manifestations.

22. Her Government welcomed the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and expected to ratify it in the near future. It also attached great importance to the rights of persons with disabilities and believed that an international convention would help to protect the human rights of disabled persons as well as support the uniform standards which the United Nations had already established.

23. **Mr. Maqueira** (Chile) said that, after the restoration of democracy in Chile, special importance had been placed on the incorporation into domestic law of the human rights instruments to which it had become party. Chile supported the Secretary-General's efforts to modernize the human rights treaty system, and in particular the reporting requirements, which were placing a growing burden on States. It was following with interest the review of their working methods, and welcomed the practice of holding informal meetings with States parties and meetings between committees, especially the meeting of chairpersons of human rights treaty bodies. Those efforts should help to resolve the problems of delays in consideration of reports and failure by States parties to submit reports. A focused report addressing the specific recommendations and final observations of the various committees would allow for a more fruitful dialogue and would save time and effort for the reporting State. Guidelines for submission of reports should also be harmonized. The treaty bodies must not forget the need for capacity-building among States both in preparation of reports and in implementing the recommendations resulting from their consideration. Civil society must also be involved if such reports were to become an effective tool for change at the national level.

24. Chile had established a management network comprised of the various government agencies involved in the elaboration of reports, and would make its experience available in the hope that the methodology used could be useful to other States.

25. **Ms. Pulido** (Venezuela) said that her delegation was concerned at the politicization of the debate in the Commission on Human Rights which overlooked the principles of universality, non-selectivity, impartiality and objectivity established in the Vienna Declaration and Programme of Action. Cooperation, not condemnation, should prevail. The international community should refrain from unilateral evaluation of the actions of other States in the area of human rights, out of respect for the principle of sovereignty as enshrined in the Charter. Observations should be made only through accepted multilateral mechanisms.

26. As a party to the major international human rights instruments, Venezuela reaffirmed its commitment to meet its obligations and to support international efforts to guarantee human rights. For international monitoring to be legitimate, however, it must be carried out in strict adherence to the principle of non-interference in the internal affairs of States. Unilateral preventive action would lead only to mistrust, which could degenerate into confrontation.

27. Her delegation called for the abolition of the death penalty, which, constituted a violation of the most important human right, the right to life. It was also concerned at the proliferation of human rights resolutions, as they often served to divert attention from the most important issues before the Committee.

28. Globalization offered undeniable potential for development, but without humanism it could become a destructive force. Therefore, respect for human rights was an essential part of the dialogue that would help to maintain human diversity.

29. **Ms. Hermosa** (International Labour Organization (ILO)) said that human rights were a central pillar of the work of the International Labour Organization (ILO) for social justice. There could be no sustainable economic development without decent work. One important indicator of the commitment of member States to human rights was the successful campaign for the ratification of the fundamental ILO Conventions. Since its launch in 1995, the campaign had resulted in more than 425 new ratifications, with 99 countries having ratified the eight fundamental Conventions.

30. ILO had devoted major efforts to putting those obligations into practice through a series of global reports, each of which had been followed up by the adoption and implementation of an action programme. Areas addressed thus far included forced labour, discrimination and freedom of association. ILO had adopted a rights-based approach to its technical assistance, in particular where fundamental rights were engaged.

31. ILO worked closely with other international organizations to ensure that the rights protected by its Conventions were incorporated into the work of other development agencies. It welcomed the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As the ILO Director General had said, the greatest failure of globalization had been its failure to create jobs where people lived, and the rights of workers were being seriously compromised. The highest priority must be placed on the creation of decent work for all, under conditions that respected the rights and needs of working people in all areas of national economies.

The meeting rose at 4.15 p.m.